

राजपत्न, हिमाचल प्रदेश

(असाधारण)

े हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शियला, मंगलवार, 17 अप्रैल, 1990/27 चैत्र, 1912

हिमाचल प्रदेश सरकार

परिवहन विभाग

ग्रधिसूचना

शिमला-2, 31 मार्च, 1990

संख्याः 6-55/77-परि 0.—-देश के तीव ग्राधिक विकास को ध्यान में रखते हुए, यह समीचीन है कि सड़क द्वारा माल के परिवहन के लिए लम्बी दूरी ग्रीर ग्रन्तर्राज्यीय सेवा को, प्रोत्साहन देने, माल के परिवहन के लिए पर्याप्त श्रन्तर्राज्यीय सेवा उपलब्ध कराने ग्रीर उसके परिचालन को विनियमित ग्रीर उसमें तालमेल करने ग्रीर नियन्त्रित रखने के लिए सर्व साधारण के हित में यह ग्रावश्यक है कि परस्पर परिवहन करार किया जाए; ग्रीर

इसमें इसके पश्चात् उल्लिखित राज्य सरकारें सहमत हो गई हैं कि ग्रन्तर्राज्यीय माल परिवहन को बढ़ावा देने के हित में पारस्परिक राज्यों श्रर्थात्, जम्मू श्रीर काश्मीर, पंजाब, हरियाणा, हिमाचल प्रदेश श्रीर संघ राज्य क्षेत्र दिल्ली के राज्य क्षत्रों में, माल वाहनों के स्वतन्त्र तथा ग्रबाध परिचालन को व्यवस्थित करने के लिए करार कराना ग्रावश्यक है: श्रीर

पारस्परिक राज्य सरकारें इस बात पर भी सहमत हैं कि यह करार 1-4-89 से प्रवृत्त हुन्ना समझा जाएगा

श्रतः श्रव संलग्न पारस्परिक करार के प्ररूप को जिसे हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश मोटरयान श्रिधिनियम, 1988 की धारा 88 की उप-धारा (5) द्वारा प्रदत्त शिक्तयों का प्रयोग करते हुए, जम्मू-काश्मीर, पंजाब, हिरयाणा, हिमाचल प्रदेश श्रौर संघ राज्य क्षेत्र दिल्ली, राज्यों के बीच करार करन का प्रस्ताव करते हैं श्रौर यह करार मोटरयान श्रिधिनियम, 1988 (1988 का 59) को 88 की उप-धारा (5) द्वारा यथा श्रपेक्षित उन व्यक्तियों की जानकारी के लिए जिनकी इससे प्रभावित होने की सम्भावना है, प्रकाशित किया जाता है श्रौर एतद्द्वारा सूचना दी जाती है कि कथित प्रस्ताव के बारे में श्रभ्यावेदन यदि कोई हों, इस सूचना के राजपत्न, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से 1 मास की श्रविध के भीतर, सचिव (परिवहन), हिमाचल प्रदेश सरकार को प्रस्तुत किए जा सकेंगे। प्राप्त श्रभ्यावेदनों सहित यदि कोई हों प्रस्ताव पर सचिव (परिवहन), हिमाचल प्रदेश सरकार द्वारा विचार किया जायेगा।

हर्ष गृप्ता, सचिवः (परिवहन), हिमाचल प्रदेश सरकार ।

लोक वाहन के लिए जम्मू-काश्मीर, हरियाणा, पंजाब, हिमाचल प्रदेश ग्रीर दिल्ली राज्यों के मध्य उत्तरी फी जोन, पारस्परिक करार

तारीख 22-7-1988 को पहले, दूसरे, तीसरे, चौथे तथा पांचवें पक्षकारों के बीच हुए करार द्वारा उक्त पक्षकारों ने उक्त करार में दिए हुए निबन्धनों तथा शर्तों पर पंजाब, हरियाणा, जम्मू और काश्मीर, हिमाचल प्रदेश और दिल्ली राज्यों द्वारा उनके बीच लम्बी दूरी के म्रन्तराज्यीय माल परिवहन को प्रोत्साहन देने के विचार से परस्पर करार किया था;

ग्रीर उक्त करार 31 मार्च, 1989 को समाप्त हो गया था ;

म्रापसी करार द्वारा पक्षकार तारीख 22-7-88 के उक्त करार में अन्तर्विष्ट निबन्धनों और शर्तों पर सहमत हो गए हैं भ्रौर उन्होंने विद्यमान करार के भ्रांशिक उपान्तरण में, इसमें यहां पर दिया गया करार करने का विनिश्चय किया है।

मतः उपर्युक्त पक्षकारों में निम्नानुसार सहमति हो गई है :--

- (i) कि यह उत्तरी की जोन करार प्रथम अप्रैल, 1989 से लागू होगा और 31 मार्च, 1991 तक विधिमान्य रहेगा ।
- (ii) इसे ऐसी ग्रागामी ग्रवधि के लिए नवीकृत किया जा सकता है, जिसके लिए इस करार के सभी हस्ताक्षर-कर्ताग्रों द्वारा परस्पर सहमति हो।
- (iii) परस्पर राज्यों के परिवहन प्राधिकारी श्रन्य राज्यों के क्षेत्रों के लिए विधिमान्य किसी भी संख्या में लोक वाहन श्रनुज्ञा पत्र जारी करग।
- (iv) इस करार के ग्रधीन चलाए जाने वाले लोक वाहन ग्रपने राज्य के मार्गी पर बिना किसी पाबन्दी के चल सकेंगे। जब कि ग्रन्य राज्यों में किसी भी क्षेत्र में चलते समय परस्पर राज्य के ग्रधिकार क्षेत्र में समूच तौर पर ग्रपने किन्हों दो स्थानों के बीच से माल को न तो उठाएगा ग्रथवा न ही उतारेगा ग्रथित ऐसी स्थिति में लोक वाहन को कोई ग्रन्तर्राज्यीय व्यापार करन की मनाही होगी।
- (v) कोई भी वाहन इस करार के श्रधीन प्राधिकृत नहीं किया जा सकेगा, जो किसी भी समय पर वर्ष से श्रधिक पुराना हो।

- (vi) इस करार के प्रधीन चलन वाले लोक वाहनों में निम्नलिखित दस्तावेज हर समय उपलब्ध रहेंगे :---
 - (क) पंजीकरण प्रमाण-पत्न ।
 - (ख) योग्यता प्रमाण-पत्न ।
 - (ग) बीमें का प्रमाण-पत्न ।
- (vii) इस करार के प्रधीन चलने वाल लोक वाहनों की बाडी के बाई तथा दाई श्रोर सफेद रंग से वृत्तकार डिस्क बना होगा जिसका दायरा कम से कम 30 सैंटीमीटर का होगा श्रौर डिस्क पर काले रंग में "फी जोन" शब्द श्रौकत होंगे।
- (viii) परस्पर राज्य इस करार के अनुसार चलाने वाले वाहनों के सम्बन्ध में अपने राज्य के टोकन, पंजीकरण प्रमाण-पत्न, योग्यता प्रमाण-पत्न और बीमा प्रमाण-पत्न आदि को मान्यता देंगे।
 - (ix) माल कर ऐसी दर पर देय होगा जो अपने राज्य में लागू हो और दूसर राज्यों की उस दर पर देय होगा जो दर उस राज्य में प्रचलित हो। अन्य राज्यों के सम्बन्ध में माल कर अपने राज्य द्वारा रेखित मांग इएटों के माध्यम से अग्निम रूप में वसूल किया जाएगा और अपने-अपने राज्यों द्वारा सम्बद्ध राज्य को भेज दिया जाएगा।
 - '(X) सभी हस्ताक्षरकर्ता राज्य धारा 63 (1) के साथ पठित धारा 68 (2) (डड) के अधीन यह उपबंधित करने के लिए उपयुक्त नियम बनाएगे कि इस प्रकार दिया गया संयुक्त अनुज्ञापत्न दूसर हस्ता- क्षरकर्ता राज्यों के क्षत्रों में प्र'तहस्ताक्षरों के बिना विधि मान्य होगा।
- (xi) विशेष करार के अधीन जारी, प्राधिकार क अधीन चलने वाले वाहन को सहायक निरीक्षक, मोटरयान या उप-निरीक्षक पुलिस की पदवी के अधिकारी द्वारा अथवा किसी अन्य अधिकारी द्वारा जिसकी पदवी स हस्ताक्षरकर्ता राज्य परस्पर सहमत हो इस करार के उपवन्धों को लागू करन के प्रयोजनों के लिए रोका जा सकता है और इनका निरीक्षण किया जा सकता है। एसा निरीक्षण अधिकारी तीन प्रतियों म एक जांच रिपोर्ट करेगा जिसकी एक प्रति वाहन के कार्यभारी व्यक्ति को दी जाएगी और दूसरी प्रति अपन राज्य के सक्षम परिवहन अधिकारी को भेजी जाएगी और तीसरी सम्बद्ध राज्य के सक्षम परिवहन प्रधिकारी को भेजी जाएगी जौर तीसरी सम्बद्ध राज्य के सक्षम परिवहन प्रधिकारी को भेजी जाएगी होते पर अपने राज्य का सक्षम परिवहन प्रधिकारी एसी कार्यवाही कर सकता है जिसे वह उचित समझे।
- (Xii) इस करार के प्रयोजन के लिए "वर्ष" शब्द की "वित्त वर्ष" समझा जाएगा।
- (Xiii) इस करार के प्रयोजन के लिए इसके पांच पक्षकारों में से प्रत्येक पक्षकार के एक "राज्य" के रूप में समझा जाएगा।

(
सचिव, पंजाब सरकार,
परिवहन विभाग, चण्डीगढ़।
(
सचिव, हरियाणा सरकार,
परिवहन विभाग, चण्डीगढ़।
(
(
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सचिव, हिमाचल प्रदेश सरकार,
परिवहन विभाग, शिमला।

सचिव, जम्मू तथा काश्मीर सरकार, परिवहन विभाग, श्रीनगर।

(जम्म ग्रौर काश्मीर के राज्यपाल के) लिए ग्रौर उसकी ग्रोर से)

सचिव "(परिवहन), दिल्ली प्रशासन, दिल्ली । (भारत के राष्ट्रपति के लिए ग्रौर उसी ग्रोर से)

[Authoritative English Text of this Government Notification No. 6-55/17-Tpt., dated 31-3-1990 as required under clause (3) of Article 348 of the Constitution of India].

TRANSPORT DEPARTMENT ...

NOTIFICATION

Shimla-2, the 31st March, 1990

No. 6-55/77-Tpt.—Whereas, it is expedient, in view of the rapid economic development of the country to encourage a long distance and inter-state transport of goods by road to provide for adequate inter-state service for transport of goods by road and to regulate, co-ordinate and control their operations, it is necessary in the interests of the public in general to enter into Reciprocal Transports Agreement; and

Whereas, the State Governments herinafter mentioned have agreed that in the interest of promotion of intere-state goods transport, it is necessary to enter into an agreement to provide for free and unrestricted movement of goods vehicles within the territories of the reciprocating States viz. Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh and Union Territory of Delhi; and

Whereas, the reciprocating States have also agreed that the said agreement shall be deemed to have come into force with effect from 1-4-1989.

Now, therefore, the annexed draft Reciprocal Agreement which the Governor of Himachal Pradesh in exercise of powers conferred by sub-section (5) of section 88 of Motor Vehicle Act, 1988, proposes to be entered into between the states of Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh and Union Territory of Delhi, is published for information of persons likely to be affected thereby, as required by sub-ection (5) of section 88 or the Motor Vehicle Act, 1988 (Act 59 of 1988) and notice is hereby given that the representations if any, with respect to the said proposal may be submitted to the Secretary (Transport) to Government of Himachal Pradesh Transport Department within one month from the date of publication of this notification in the Government Gazette. The proposal together with the representations if any received, shall be considered by the Secretary Transport to Government of Himachal Pradesh, Shimla-2.

HARSH GUPTA,
Secretary (Transport),
to the Government of Himachal Pradesh.

North Free Zone Reciprocal Agreement for public carriers between the States of Jammu and Kashmir, Haryana, Punjab, Himachal Pradesh and Delhi.

This Agreement made this day of one thousand nine hundred and eighty-nine between the Governor of Punjab of the First Part, the Governor of Haryana of the Second Part, the Governor of Jammu and Kashmir of the Third Part, the Governor of Himachal Fradesh of the Fourth Part and the President of India for and on behalf of the Union Territory of Delhi of the Fifth Part;

Whereas by an Agreement dated 22-7-1988, between the parties of the First, Second, Third, Fourth and Fifth Parts, the said parties entered into a Reciprocal Agreement with a view to encourage long distance inter-state transport of goods by and between the State of Punjab, Haryana, Jammu and Kashmir, Himachal Pradesh and Delhi on the terms and conditions in the said Agreement contained;

And whereas the said Agreement expired on 31-3-1989;

And whereas by mutual Agreement, the parties hereto have agreed to the terms and conditions of the said Agreement dated 22-7-1988 and have decided-to enter into an Agreement as herein contained in partial modification of the existing Agreement.

It is now agreed between the above parties as follows:-

- (i) That the North Free Zone Agreement shall come into force from the first day of April, 1989 and shall remain valid upto 31st March, 1991.
- (ii) It may be renewed for such further period as may be mutually agreed to by all the signatories to this Agreement.
- (iii) The Transport Authorities of the reciprocating States shall issue any number of public carrier permits valid for the territory of the other States.
 - (iv) A public carrier operating under the Agreement shall be free to operate without restriction of routes in the same State whereas while operating in any area in the other States, it shall not pick up or set down goods between any two points lying wholly within the jurisdiction of reciprocal States i.e. in such case public carrier shall be prohibited from carrying on any inter-State business.
 - (v) No vehicle may be authorised under this Agreement which is more than nine years at any point of time.
 - (vi) The public carriers plying under this Agreement shall at all times carry.—
 - (a) Certificate of registration.
 - (b) Certificate of fitness.
 - (c) Certificate of Insurance.
 - (vii) The public carriers plying under this Agreement shall be painted on left and right side of the body with a white circular disc of not less than 30 cms. in diameter with words "Free Zone" in black written on the disc.
 - (viii) The reciprocating States shall accord recognition to the token tax, registration certificate, certificate of fitness and certificate of insurance etc. of the Home State in respect of vehicle plying in accordance with this Agreement.
 - (ix) The goods tax shall be payable at such rate as is applicable in the Home State and to the other States at the rate prevailing in that State. The goods tax shall be realised in advance by the Home State in respect of other States through crossed demand drafts and shall be remitted by the Home State to the concerned States.
 - (x) All the signatory States shall frame a suitable rule under section 68(2) (hh) read with section 63(1) to provide that the composite permit so granted shall be valid without countersignature in the areas of the other signatory States.

(जम्म ग्रीर काश्मीर के राज्यपाल के) लिए ग्रीर उसकी ग्रीर से)

सचिव "(परिवहन), दिल्ली प्रशासन, दिल्ली । (भारत के राष्ट्रपति के लिए और उस ी ओर से)

[Authoritative English Text of this Government Notification No. 6-55/77-Tpt., dated 31-3-1990 as required under clause (3) of Article 348 of the Constitution of India].

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NOTIFICATION

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Whereas, the State Governments herinafter mentioned have agreed that in the interest of promotion of intere-state goods transport, it is necessary to enter into an agreement to provide for free and unrestricted movement of goods vehicles within the territories of the reciprocating States viz. Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh and Union Territory of Delhi; and

Whereas, the reciprocating States have also agreed that the said agreement shall be deemed to have come into force with effect from 1-4-1989.

Now, therefore, the annexed draft Reciprocal Agreement which the Governor of Himachal Pradesh in exercise of powers conferred by sub-section (5) of section 88 of Motor Vehicle Act, 1988, proposes to be entered into between the states of Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh and Union Territory of Delhi, is published for information of persons likely to be affected thereby, as required by sub-ection (5) of section 88 or the Motor Vehicle Act, 1988 (Act 59 of 1988) and notice is hereby given that the representations if any, with respect to the said proposal may be submitted to the Secretary (Transport) to Government of Himachal Pradesh Transport Department within one month from the date of publication of this notification in the Government Gazette. The proposal together with the representations if any received, shall be considered by the Secretary Transport to Government of Himachal Pradesh, Shimla-2.

HARSH GUPTA, Secretary (Transport), to the Government of Himachal Pradesh.

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- (iii) The Transport Authorities of the reciprocating States shall issue any number of public carrier permits valid for the territory of the other States.
 - (iv) A public carrier operating under the Agreement shall be free to operate without restriction of routes in the same State whereas while operating in any area in the other States, it shall not pick up or set down goods between any two points lying wholly within the jurisdiction of reciprocal States i.e. in such case public carrier shall be prohibited from carrying on any inter-State business.
 - (r) No vehicle may be authorised under this Agreement which is more than nine years at any point of time.
 - (vi) The public carriers plying under this Agreement shall at all times carry.—
 - (a) Certificate of registration.
 - (b) Certificate of fitness.
 - (c) Certificate of Insurance.
 - (vii) The public carriers plying under this Agreement shall be painted on left and right side of the body with a white circular disc of not less than 30 cms. in diameter with words "Free Zone" in black written on the disc.
 - (viii) The reciprocating States shall accord recognition to the token tax, registration certificate, certificate of fitness and certificate of insurance etc. of the Home State in respect of vehicle plying in accordance with this Agreement.
 - (ix) The goods tax shall be payable at such rate as is applicable in the Home State and to the other States at the rate prevailing in that State. The goods tax shall be realised in advance by the Home State in respect of other States through crossed demand drafts and shall be remitted by the Home State to the concerned States.
 - (x) All the signatory States shall frame a suitable rule under section 68(2) (hh) read with section 63(1) to provide that the composite permit so granted shall be valid without countersignature in the areas of the other signatory States.

- (xi) A vehicle plying under authorisation issued under the Special Agreement may be stopped and inspected for the purpose of enforcement of the provisions of this agreement by an Officer of the rank of Assistant Inspector of Motor Vehicles or Sub-Inspector of Police or any other Officer whose rank is mutually agreed upon by the signatory States. Such an Inspecting Officer shall issue a check report in triplicate, one copy of which shall be served on the person incharge of the vehicle, the second copy shall be sent to the competent transport authority of the Home State and the third copy sent to the competent transport authority of the Home State concerned. The competent transport authority of the Home State, on neceipt of the check report may take action as he may deem fit.
- (xii) For the purpose of this Agreement, the term year shall be deemed to be a financial year.
- (xiii) For the purpose of this Agreement, each of the five parties hereto shall be deemed to be a State.

Sd/Secretary to the Government of Punjab,
Transport Department, Chandigarh, Governor
For and On Behalf of Punjab.

Sd/Secretary to the Government of Himachal Pradesh,
Transport Department, Shimla.
For and On Behalf of Governor of Himachal
Pradesh.

Secretary Transport, Delhi Administration, Delhi, For and On Behalf of President of India.

Sd/Secretary to the Government of
Haryana, Transport Department,
Chandigarh.
For and On Behalf of Governor of
Haryana.

Sd/Secretary to the Government of
Jammu and Kashmir Transport
Department, Srinagar.
(For and OnBehalf of Governor of
Jammu and Kashmir.)